

SENATE BILL NO. 470

INTRODUCED BY HARRINGTON, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT MEETINGS OF THE SUPREME COURT ARE SUBJECT TO THE OPEN MEETING LAW; PROVIDING AN EXCEPTION FOR JUDICIAL DELIBERATIONS IN AN ADVERSARIAL PROCEEDING; AMENDING SECTION 2-3-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-3-203, MCA, is amended to read:

"2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions. (1) All meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds, including the supreme court, must be open to the public.

(2) All meetings of associations that are composed of public or governmental bodies referred to in subsection (1) and that regulate the rights, duties, or privileges of any individual must be open to the public.

(3) ~~Provided, however, the~~ The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

(4) (a) ~~However, except~~ Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency.

(b) A meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations described in subsections (1) and (2).

(5) The supreme court may close a meeting that involves judicial deliberations in an adversarial proceeding.

~~(5)(6)~~ Any committee or subcommittee appointed by a public body or an association described in

1 subsection (2) for the purpose of conducting business ~~which~~ that is within the jurisdiction of that agency is
2 subject to the requirements of this section."

3

4 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

5 - END -